GA No. 1621 of 2001
(Old No. 370/2000)

Hon'ble B.C. Kandpal, J.

This appeal has been preferred by the State Government against the impugned judgment and order dated 20.09.1999 passed by Additional Session Judge, Dehradun in Criminal Case No. 76 of 1996 as well as connected Criminal Case No. 232 of 1996 whereby the respondents were acquitted from the charges leveled against them.

Brief facts of the case are that on the basis of the F.I.R. lodged on 09.09.1995, the respondents were arrested under Section 308 I.P.C. read with Section 34 of I.P.C. The trial court after considering the entire material available before it and after hearing learned counsel for the parties, acquitted the respondents, namely, Prem Singh and Smt. Harnandi @ Kusum vide judgment and order dated 20.09.1999.

Feeling aggrieved by the aforesaid order, the State preferred this appeal before the Allahabad High Court which has been transfer to this Court after creation of separate State, for disposal.

Heard learned A.G.A. on the point of admission and perused the impugned judgment passed by the court below.

Having considered the arguments advanced by learned counsel for the State, I am of the view that the trial court has thoroughly scrutinized the evidence adduced by the prosecution. I share my view with the trial court that the acquittal of the respondents does not required and interference. The trial court has rightly acquitted the accused persons, keeping in view the inconsistency in the evidence of the witnesses, corroboration with the medical evidence as well as in the light of the aforesaid reason; I do not find any merit in this appeal.

Accordingly, the government appeal is dismissed in-limine.

(B.C.K., J.)

13.11.2007
ASWAL